

REMARKS

Claims 1-13, 15, and 16 are pending in the application. Claims 4, 5, 9-13, and 15 have been cancelled from the application. Therefore, claims 1-3, 6-8, and 16 are at issue.

This amendment is submitted in accordance with 37 C.F.R. §1.116(a) and §1.116(b) in order to present the rejected claims in a better form for allowance or appeal. The amendment is necessary to eliminate a rejection under 35 U.S.C. §103. This amendment was not presented earlier because applicants believed, and still believe, that the amendment of January 20, 2010 fully addressed and overcame all outstanding issues. This amendment should be entered because it places the application in better form for allowance and appeal, and the amendment does not require further searching or present any new issues.

Claims 1-4, 6-8, and 16 stand rejected under 35 U.S.C. §103 as being obvious over Gartner et al. U.S. Patent No. 6,916,864 ('864). In this Office Action, the examiner stated that claim 5 would be allowable if rewritten in independent form to include the features of claim 5 and any intervening claims.

In response, claim 1 has been amended to incorporate the features of original claims 4 and 5. In view of this amendment, it is submitted that the rejection of the claims under 35 U.S.C. §103 as being obvious over the '864 patent has been overcome and should be withdrawn.

It is submitted that all outstanding issues have been resolved and that the application is in a condition for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

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Respectfully submitted,

By 

James J. Napoli

Registration No.: 32,361
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Willis Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant